

Intellectual Freedom Policy

Policy Number:	GOV-011
Policy Category:	Governance
Approved by:	OPL Board
Accountability:	CEO
Approval Date:	October 17, 2024
Effective date:	October 18, 2024
Next Review Date:	January 2028
Supersedes:	Intellectual Freedom Policy effective August 28, 2020

Purpose

The purpose of this policy is to provide a framework for fostering intellectual freedom at Oakville Public Library (OPL), to create an environment that supports intellectual curiosity and enquiry and champions intellectual freedom as the prerequisite for an informed, democratic society.

Scope

The policy governs all internal practices and external services in internal, external, and virtual spaces including:

1. Collections, including print, physical, and electronic materials for all ages, in a variety of formats, including materials that are purchased, streamed, or shared from or with other institutions (see the Collection Development Policy);
2. Library programs, including programs offered by staff, paid presenters and Library partners (see the Program Development and Delivery Policy and the Partnership Policy).
3. Display spaces and their contents, including displays of library material, exhibits of art and creative expression, and displaying community information on bulletin boards in branches (see the Exhibit Policy and the Display and Distribution of Community Information for Public Policy);
4. Public computers, technology and networks, including the use of public access desktop computers, laptops, tablets, Creation Zone equipment, digital devices and services provided by OPL for use by library customers, and use of the OPL wireless network (see the Internet Access and Acceptable Use Policy); and,
5. Meeting rooms and bookable library spaces, including non-commercial and commercial rentals of meeting room spaces owned or operated by OPL (see the Library Space Booking Policy).

This policy does not apply to the expression or dissemination of views that promote and/or incite hatred as defined by the *Criminal Code of Canada*, or activities that contravene applicable Canadian legislation. Such communications and activities are prohibited on library premises

and may result in a person's immediate expulsion from the premises and referral of the matter to the Halton Regional Police Services.

Policy Statement

The Oakville Public Library (OPL) is committed to upholding the core tenet of intellectual freedom and defends “the right of library users to freedom of thought, belief, opinion and expression as the basis of a democratic society”, as embodied in the Canadian Charter of Rights and Freedoms. The Library's role is to act as a curator of information and a champion of information literacy and access. Its services are governed by applicable legislation, as well as its vision, mission, and values. OPL provides access to, but does not endorse, multiple viewpoints via its services (including collections, programs, technology, exhibits, displays, meeting room rentals).

OPL is a resource where many points of view and forms of expression can be examined without interference. The Library acknowledges that few ideas and opinions have universal acceptance or condemnation in a pluralistic society. OPL welcomes open discussions about intellectual freedom, including challenges to the Library's decisions. Library users who feel that an item in the collection, program, exhibit/display, or room booking falls outside the criteria outlined in library policies, can share their concerns with Library staff. OPL cardholders and/or individuals who live, work or attend school in Oakville who are unsatisfied with the response can complete a formal written request for reconsideration. Individuals may request that the Library reconsider an item in the collection, program, exhibit/display, or room booking. The originator of the request may submit a written appeal of the Library's decision regarding this challenge. The final decision relating to any request for reconsideration will rest with the Chief Executive Officer.

In establishing this policy, the OPL endorses the following statements relating to intellectual Freedom:

- Canadian Federation of Library Associations' Statement on Intellectual Freedom and Libraries (Appendix 1);
- Ontario Library Association's Statement on Intellectual Freedom and the Intellectual Rights of the Individual (Appendix 2); and,
- Urban Library Council's Declaration of Democracy (Appendix 3).

Appendix 1

Canadian Federation of Library Associations' *Statement on Intellectual Freedom and Libraries* (CFLA, June 27, 1974, amended November 17, 1983, November 18, 1985, September 27, 2015, Reviewed 2018):

The Canadian Federation of Library Associations recognizes and values the Canadian Charter of Rights and Freedoms as the guarantor of the fundamental freedoms in Canada of conscience and religion; of thought, belief, opinion, and expression; of peaceful assembly; and of association.

The Canadian Federation of Library Associations supports and promotes the universal principles of intellectual freedom as defined in the Universal Declaration of Human Rights, which include the interlocking freedoms to hold opinions and to seek, receive and impart information and ideas through any media and regardless of frontiers.

In accordance with these principles, the Canadian Federation of Library Associations affirms that all persons in Canada have a fundamental right, subject only to the Constitution and the law, to have access to the full range of knowledge, imagination, ideas, and opinion, and to express their thoughts publicly. Only the courts may abridge free expression rights in Canada.

The Canadian Federation of Library Associations affirms further that libraries have a core responsibility to support, defend and promote the universal principles of intellectual freedom and privacy.

The Canadian Federation of Library Associations holds that libraries are a key institution in Canada for rendering expressive content accessible and affordable to all. Libraries are essential gateways for all persons living in Canada to advance themselves through literacy, lifelong learning, social engagement, and cultural enrichment.

Libraries have a core responsibility to safeguard and facilitate access to constitutionally protected expressions of knowledge, imagination, ideas, and opinion, including those which some individuals and groups consider unconventional, unpopular or unacceptable. To this end, in accordance with their mandates and professional values and standards, libraries provide, defend and promote equitable access to the widest possible variety of expressive content and resist calls for censorship and the adoption of systems that deny or restrict access to resources.

Libraries have a core responsibility to safeguard and foster free expression and the right to safe and welcoming places and conditions. To this end, libraries make available their public spaces and services to individuals and groups without discrimination.

Libraries have a core responsibility to safeguard and defend privacy in the individual's pursuit of expressive content. To this end, libraries protect the identities and activities of library users except when required by the courts to cede them.

Furthermore, in accordance with established library policies, procedures and due process, libraries resist efforts to limit the exercise of these responsibilities while recognizing the right of criticism by individuals and groups.

Library employees, volunteers and employers as well as library governing entities have a core responsibility to uphold the principles of intellectual freedom in the performance of their respective library roles.

Appendix 2

Ontario Library Association's Statement on Intellectual Freedom and the Intellectual Rights of the Individual (OLA, Approved January 30, 2020):

Introduction

The Ontario Library Association and its divisions are committed to the fundamental rights of intellectual freedom, the freedom to read and freedom of the press, as embodied in the Canadian Charter of Rights and Freedoms.

Ontario Libraries have the important responsibility to facilitate expressions of knowledge, creativity, ideas, and opinion, even when viewed as unconventional or unpopular.

The Ontario Library Association declares its acceptance of the following principles for libraries:

1. Equitable access to library service to the public is based upon the right of the citizen, under the protection of the law, to judge individually on questions of politics, religion and morality.
2. Intellectual freedom requires freedom to critically examine and create other ideas, opinions, views, and philosophy of life, other than those currently approved by the local community or by society in general and including those ideas and interpretations which may be unconventional, uncommon or unpopular.
3. The free traffic in ideas and opinions is essential to the health and growth of a free society and that the freedom to read, listen, view, and create is fundamental to such free traffic.
4. Library governance ensures that the principles of intellectual freedom and expression of thought are upheld.

Library Service, Collections and Resources:

5. It is the responsibility of libraries to maintain the right of intellectual freedom and to implement it consistently in the selection of books, periodicals, films, recordings, and other materials including the provision of access to electronic sources of information and access to the internet. Materials are not excluded from library collections based on race, place of birth, origin, ethnic origin, ethnicity, citizenship, age, creed, disability, family structure, sex, and sexual orientation.
6. It is part of the library's service to its public to resist any attempt by any individual or group within the community it serves to abrogate, censor or curtail access to

information, the freedom to read, view, listen or participate by demanding the removal of, or restrictions to library information sources in any format.

Library Programming, Events, and Space Bookings

7. It is the responsibility of libraries to maintain the right of intellectual freedom and expression by implementing it consistently when hosting programs and events within the public space of the library including rented public space by individuals and community organizations.
8. Libraries create welcoming community spaces where community members are free from discrimination and may engage in peaceful assembly. Libraries may cancel or deny permits to individuals or organizations when speech or displays are used in a way that is unlawful.

Applicable legislation:

Canadian Charter of Rights and Freedoms: Section 2(b) of the Charter of Rights and Freedoms protects “freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication”.

Criminal Code: Section 63 pertains to Unlawful Assemblies and Riots. Section 297 pertains to defamatory libel. Section 318 pertains to hate propaganda.

Ontario Human Rights Code: Sub-section 13 pertains to infringing on freedom from discrimination.

Appendix 3

Urban Library Council's *Declaration of Democracy*

Public libraries are critical cornerstones of democracy, and democracy's future is diminished when people's access to power, information, a diversity of voices and the ability to influence policy are restricted. The battle to protect democracy is a global struggle playing out at the local level and libraries have landed on the front lines. Democracy can only thrive with strong community-level support and engagement. As leaders of North America's urban public libraries, we must commit to preserving, protecting and advancing the highest hopes and ideals of democracy so all members of our communities may fully participate in the democratic process.

This declaration provides a baseline for building policies and actions that preserve and protect democracy in our communities. The declaration reads as follows:

Democracy is under siege throughout the world and close to home. Daily, we witness assaults on basic freedoms and human rights we've long cherished as books are banned, programs and events are canceled, disinformation and misinformation spread unchecked and racism is institutionalized. Democracy's future is diminished when people's access to power, information, a diversity of voices and the ability to influence policy are restricted. As cornerstones of democracy, it is incumbent upon libraries to stand up against all efforts to impede the democratic process and limit the full participation in civic life.

Banning books through policy and legislation is one such example of the challenges facing us. These efforts have unfortunately met with success in some parts of the United States as lawmakers codify restrictions on reading material – and we strongly stand against the furtherance of such restrictive policymaking.

As leaders of North America's public libraries, we are committed to preserving, protecting and advancing the highest hopes and ideals of democracy so all members of our communities may fully participate in the democratic process. To meaningfully participate in society, people need access to a broad range of information and ideas, as well as opportunities for open, uncensored discourse to hear, read, debate and learn from each other's perspectives.

It is for this reason that libraries as trusted institutions in their communities join to advance this Declaration and commit to the following:

Educating and informing the public about the rights afforded to them in the *United States Constitution* and the *Canadian Charter of Rights and Freedoms*, among them the freedom of religion, thought, speech, expression, belief, the press, peaceful assembly and association.¹

Encouraging an active citizenry where all are engaged in creating an equitable and just society where everyone may realize their potential as individuals within the community.

Serving as a convener for and facilitator of civic engagement and civil discourse, where all voices may be heard and respect is displayed for community members' diverse opinions, thoughts, histories and cultural heritage.

Increasing efforts to fight misinformation and disinformation, providing reliable resources and seeking new ways to help patrons find verifiable and accurate information.

Leveraging programming, collections and other resources to promote human dignity, open dialogue and respect for diverse viewpoints, civil rights, and all other protections and freedoms fundamental to democracies, and based on the conviction that “laws and institutions must go hand in hand with the progress of the human mind”², holding fast to the expectation that “the arc of the moral universe is long, but it bends toward justice”³, and that “*the Just Society will be one in which the rights of minorities will be safe from the whims of intolerant majorities.*”⁴

We resolve to continue to create spaces where entering our doors is an act of participating in democracy, where people can read and learn freely from all points of view, make up their own minds and engage in their communities. We stand as proud leaders of libraries, and as such, we will continue to guard democracy’s great promise and ensure all those we serve are included in its fulfillment.

1 See *First Amendment in the United States Constitution and Section 2 in the Canadian Charter of Rights and Freedoms.*

2 *Thomas Jefferson, from a letter to Samuel Kercheval, July 12, 1816, enshrined on Southeast Portico of the Jefferson Memorial, Washington, D.C.*

3 *Martin Luther King, Jr., Washington National Cathedral, March 31, 1968, enshrined on South Wall of the Martin Luther King, Jr. Memorial, Washington, D.C.*

4 *Pierre Elliott Trudeau, as cited in The Essential Trudeau, ed. Ron Graham. (pp.16 – 20).*